

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

Claims 1-19 are pending in the application.

The examiner objected to the claims due to a misnumbering of claim 19 as claim 20. The examiner renumbered the misnumbered claim 20 as claim 19. Claim 19 in the current listing is the corrected numbering.

The examiner rejected claims 1-19 under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the examiner referred to specific language in independent claims 1 and 10. Applicant has amended the claims to ensure they are definite in accordance with 35 U.S.C. §112, second paragraph. In particular, claims 1 and 10 now recite that the indenter provides the “stress to change said engagement surface of pseudo-elastic material from said austenite state to said martensite state.” Furthermore, applicant respectfully submits that one of ordinary skill in the art would have understood claims 1 and 10 prior to the current amendments to indicate that the unloaded engagement surface was in an austenite state and the loaded engagement surface was in a martensite state. This is also clear when read in view of the specification. Nonetheless, applicants have also amended claims 1 and 10 to further clarify this in order to expedite the prosecution of this case.

The examiner also indicated that claims 1 and 10 were unclear as to what structural elements constituted an engagement mechanism and what constituted reversible contact or what caused such reversal. Applicant respectfully traverses this rejection. The specification describes numerous examples of engagement mechanisms. For example, see assembly 16 in the embodiment Figures 1A-1C. The description of assembly 16 in the specification provides several examples of suitable engagement mechanisms. However, one of ordinary skill in the art would understand, based on the teachings of the current invention, that the engagement mechanism is not limited to the specific examples provided. In addition, claims 1 and 10 are not limited to the specific embodiments that are provided, i.e., the engagement mechanism is not limited to the specific embodiments of Figures 1A-1C, 2 and 3. There are numerous engagement mechanisms that can cause the first and second bodies

to come together into contact, for example, and that can cause the first and second bodies, when in contact, to separate to terminate contact.

In addition, the examiner rejected claims 1 and 10, and the remaining claims through their dependency on claim 1 or 10, for omitting essential structural cooperative relationships. Applicant has thus amended claims 1 and 10 to recite “wherein a load is transferred between said first and second bodies while in operation through contact of said indenter surface of said second body with said engagement surface of said first body to cause a change of motion of at least one of said first and second bodies relative to each other.” This is supported throughout the specification in the description of each of the embodiments as well as the original claims. Therefore, applicant respectfully submits that claims 1-19 are definite in accordance with 35 U.S.C. §112, second paragraph, and requests that these rejections be withdrawn.

The examiner rejected claims 1-11 and 14-19 under 35 U.S.C. §102(b) as being anticipated by Julien et al. (U.S. Pat. No. 5,226,683). The examiner also rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Julien et al. Applicant respectfully traverses for at least the following reasons.

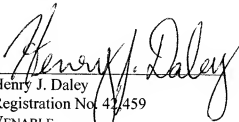
Julien et al. discloses a sealing gasket structure. This is merely intended to seal two components together in such a way that a fluid, e.g., liquid or gas, does not leak through the seal. Julien et al. is not directed to a system for transferring a load “between said first and second bodies while in operation through contact of said indenter surface of said second body with said engagement surface of said first body to cause a change of motion of at least one of said first and second bodies relative to each other.” Therefore, applicant respectfully submits that claims 1-19 are patentable over Julien et al. and requests that the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) be withdrawn.

Applicant has addressed all of the Examiner's objections and rejections and respectfully submits that the application is now in condition for allowance.

The Applicant's representative encourages the Examiner to contact him at the below-listed number if it may help expedite the prosecution of this case.

Respectfully submitted,

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